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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 12, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

TERRY L. STROCK, et al.

CASE NO. PUE010716

v.

B & J ENTERPRISES, L.C.

PRELIMINARY ORDER

By letter dated October 26, 2001, B & J Enterprises, L.C. ("B&J" or "the Company"), notified its customers and the State Corporation Commission's ("Commission") Division of Energy Regulation, respectively, pursuant to the Small Water or Sewer Public Utility Act § 56-265.13:1, et seq. of the Code of Virginia of its intent to increase its monthly sewer rates from \$40.00 to \$95.00, effective for service rendered on and after December 13, 2001.

On November 21, 2001, the Commission received a petition from approximately 90 percent of the Company's affected customers objecting to the proposed rate increase. Separately, on November 2, 2001, the Commission's Division of Energy Regulation received a complaint dated November 1, 2001, from Joan G. Moore concerning the Company's rate increase. On November 27, 2001, the Commission's Office of General Counsel received a letter from Mrs. Moore dated November 21, 2001, with attachments, supplementing her initial complaint. In her

November 21, 2001, filing, Mrs. Moore states that B&J's last rate increase was implemented in April 2001, and that pursuant to § 56-265.13:6 B of the Code of Virginia the Company may not raise its rates again until April 2002.<sup>1</sup>

NOW THE COMMISSION, having considered the matter, is of the opinion that, pursuant to § 56-265.13:6 of the Code of Virginia, B&J's proposed rate increase should be suspended for a period of 60 days; that the Company shall respond to the claim that it may not implement a rate increase at this time; and that this matter should be continued for further order of the Commission.

Accordingly, IT IS ORDERED THAT:

(1) The matter is docketed and assigned Case No. PUE010716.

(2) The increase in the Company's rates is hereby suspended for a period of 60 days, or through February 10, 2002.

(3) Mrs. Moore shall forthwith serve the Company with a copy of her November 21, 2001, letter, with attachments.

(4) On or before January 9, 2002, B&J and the Commission Staff shall file a response to the claim that the Company may not increase its rates at this time due to § 56-265.13:6 B of the Code of Virginia. The Company and the Staff shall file an original and fifteen (15) copies of their response with the Clerk of the State Corporation Commission, c/o Document Control

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<sup>1</sup> Section 56-265.13:6 B states: "A small water or sewer utility shall not implement an increase in the utility's rates or charges more than once within any twelve-month period. This limitation shall not prohibit applications for increases in rates or charges pursuant to § 56-245." Mrs. Moore's filing actually states that the Company may not increase its rates until "late April 2001." It is apparent that she intended this to read, "late April 2002."

Center, P.O. Box 2118, Richmond, Virginia 23218, and shall serve a copy on Mrs. Moore and on the Blacksburg Country Club Homeowner's Association, c/o Mr. Terry Strock, at the addresses set forth below, referencing Case No. PUE010716.

(5) This matter shall be continued subject for further order of the Commission.